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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$4,000.00 IN U.S. CURRENCY,

Defendant.

Civil No. 07cv2158-JLS(RBB)

**ORDER: GRANTING JOINT MOTION
FOR JUDGEMENT OF FORFEITURE**

Having reviewed the foregoing Joint Motion and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is approved.

1. The parties, the United States of America, by and through its counsel, Karen P. Hewitt, United States Attorney, and David M. McNees, Special Assistant U.S. Attorney, and the claimants, Gary Douglas Pierson and Maralyn Pierson ("Claimants"), and their attorney of record, Nicholas De Pento, have entered into this joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendant, \$4,000.00 IN U.S. CURRENCY ("defendant currency").

2. \$2,000.00 of the defendant currency is hereby forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881. Judgment is entered in favor of the United States on its complaint. The remainder of the defendant currency, \$2,000.00, plus

1 interest, according to law, shall be returned to Claimants Gary Douglas Pierson and Maralyn
2 Pierson, through their attorney of record, Nicholas DePento.

3 3. Costs incurred by the United States incident to the seizure and custody of the
4 defendant currency, if any, shall be borne by the United States.


5 4. The person or persons who made the seizure or the prosecutor shall not be liable
6 to suit or judgment on account of such seizure in accordance with Title 28, United States Code,
7 Section 2465. Claimants have agreed that by entering into this joint motion, they have not
8 “substantially prevailed” within the meaning of 28 U.S.C. § 2465. Each party shall bear its own
9 costs and expenses, including attorney fees.

10 5. Claimants have warranted and represented as a material fact that they are the sole
11 owner of the defendant currency, and have further warranted that no other person or entity has any
12 right, claim or interest in the defendant currency. Claimants will defend and indemnify the United
13 States against any and all claims made against it on account of the seizure and forfeiture of the
14 defendant currency.

15 6. The Claimants, their agents, employees, or assigns, shall hold and save harmless
16 the United States of America, its agents and employees, from any and all claims which might result
17 from the seizure of the defendant currency.

18 7. Following forfeiture of the United States’ portion and distribution of the Claimants’
19 portion of the defendant currency as described above, this case shall be closed.

20 DATED: July 8, 2008

21 
22 Honorable Janis L. Sammartino
23 United States District Judge
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